



General Assembly

Amendment

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LCO No. 5125

HB0565905125HDO

Offered by:

REP. CARUSO, 126th Dist.

REP. URBAN, 43rd Dist.

To: Subst. House Bill No. 5659

File No. 304

Cal. No. 171

"AN ACT CONCERNING THE SECURITY OF CHILDREN AT POLLING LOCATIONS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 9-710 of the general statutes is amended by adding
4 subsections (d) and (e) as follows (*Effective from passage*):

5 (NEW) (d) (1) Notwithstanding the provisions of this section, any
6 candidate who intends to participate in the Citizens' Election program
7 may reuse the lawn signs of such candidate. Such reuse shall be
8 considered the provision of personal funds by such candidate to the
9 candidate's candidate committee. Such reuse shall not be subject to the
10 limits provided in subsection (c) of this section.

11 (2) The value of any such reused signs shall be assessed at one-half
12 of the original purchase price of such signs.

13 (NEW) (e) Any personal funds provided by the candidate to the

14 candidate's candidate committee shall be reported to the commission
15 not later than the close of the reporting period covered by the
16 cumulative itemized accounting accompanying the grant application,
17 as provided in subsection (c) of section 9-706. The initial grant that a
18 qualified candidate committee is eligible to receive under section 9-705
19 shall be reduced by the amount of any personal funds that the
20 candidate provides, as provided in subdivision (1) of subsection (j) of
21 section 9-705.

22 Sec. 502. Section 9-7b of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective from passage*):

24 (a) The State Elections Enforcement Commission shall have the
25 following duties and powers:

26 (1) To make investigations on its own initiative or with respect to
27 statements filed with the commission by the Secretary of the State or
28 any town clerk, or upon written complaint under oath by any
29 individual, with respect to alleged violations of any provision of the
30 general statutes or regulations relating to any election or referendum,
31 any primary held pursuant to section 9-423, 9-425 or 9-464 of the 2008
32 supplement to the general statutes or any primary held pursuant to a
33 special act, and to hold hearings when the commission deems
34 necessary to investigate violations of any provisions of the general
35 statutes or regulations relating to any such election, primary or
36 referendum, and for the purpose of such hearings the commission may
37 administer oaths, examine witnesses and receive oral and
38 documentary evidence, and shall have the power to subpoena
39 witnesses under procedural rules the commission shall adopt, to
40 compel their attendance and to require the production for examination
41 of any books and papers which the commission deems relevant to any
42 matter under investigation or in question. In connection with its
43 investigation of any alleged violation of any provision of chapter 145,
44 or of any provision of section 9-359 or section 9-359a, the commission
45 shall also have the power to subpoena any municipal clerk and to
46 require the production for examination of any absentee ballot, inner

47 and outer envelope from which any such ballot has been removed,
48 depository envelope containing any such ballot or inner or outer
49 envelope as provided in sections 9-150a and 9-150b and any other
50 record, form or document as provided in section 9-150b, in connection
51 with the election, primary or referendum to which the investigation
52 relates. In case of a refusal to comply with any subpoena issued
53 pursuant to this subsection or to testify with respect to any matter
54 upon which that person may be lawfully interrogated, the superior
55 court for the judicial district of Hartford, on application of the
56 commission, may issue an order requiring such person to comply with
57 such subpoena and to testify; failure to obey any such order of the
58 court may be punished by the court as a contempt thereof. In any
59 matter under investigation which concerns the operation or inspection
60 of or outcome recorded on any voting machine, the commission may
61 issue an order to the municipal clerk to impound such machine until
62 the investigation is completed;

63 (2) To levy a civil penalty not to exceed (A) two thousand dollars
64 per offense against any person the commission finds to be in violation
65 of any provision of chapter 145, part V of chapter 146, part I of chapter
66 147, chapter 148, section 7-9, section 9-12 of the 2008 supplement to the
67 general statutes, subsection (a) of section 9-17 of the 2008 supplement
68 to the general statutes, section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-
69 21, 9-23a, 9-23g of the 2008 supplement to the general statutes, 9-23h, 9-
70 23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a,
71 9-42, 9-43, 9-50a, 9-56, 9-59 of the 2008 supplement to the general
72 statutes, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-232o, inclusive, 9-404a
73 to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-436a, 9-453e to 9-453h,
74 inclusive, 9-453k or 9-453o, or any regulation adopted pursuant to said
75 sections or chapters, (B) two thousand dollars per offense against any
76 town clerk, registrar of voters, an appointee or designee of a town clerk
77 or registrar of voters, or any other election or primary official whom
78 the commission finds to have failed to discharge a duty imposed by
79 any provision of chapter 146 or 147, or any regulation adopted under
80 said chapters, (C) two thousand dollars per offense against any person

81 the commission finds to have (i) improperly voted in any election,
82 primary or referendum, and (ii) not been legally qualified to vote in
83 such election, primary or referendum, or (D) two thousand dollars per
84 offense or twice the amount of any improper payment or contribution,
85 whichever is greater, against any person the commission finds to be in
86 violation of any provision of chapter 155 or sections 9-700 to 9-716,
87 inclusive. The commission may levy a civil penalty against any person
88 under subparagraph (A), (B), (C) or (D) of this subdivision only after
89 giving the person an opportunity to be heard at a hearing conducted in
90 accordance with sections 4-176e to 4-184, inclusive. In the case of
91 failure to pay any such penalty levied pursuant to this subsection
92 within thirty days of written notice sent by certified or registered mail
93 to such person, the superior court for the judicial district of Hartford,
94 on application of the commission, may issue an order requiring such
95 person to pay the penalty imposed and such court costs, state
96 marshal's fees and attorney's fees incurred by the commission as the
97 court may determine. Any civil penalties paid, collected or recovered
98 under subparagraph (D) of this subdivision for a violation of any
99 provision of chapter 155 applying to the office of the Treasurer shall be
100 deposited on a pro rata basis in any trust funds, as defined in section 3-
101 13c, affected by such violation;

102 (3) (A) To issue an order requiring any person the commission finds
103 to have received any contribution or payment which is prohibited by
104 any of the provisions of chapter 155, after an opportunity to be heard
105 at a hearing conducted in accordance with the provisions of sections 4-
106 176e to 4-184, inclusive, to return such contribution or payment to the
107 donor or payor, or to remit such contribution or payment to the state
108 for deposit in the General Fund, whichever is deemed necessary to
109 effectuate the purposes of chapter 155;

110 (B) To issue an order when the commission finds that an intentional
111 violation of any provision of chapter 155 has been committed, after an
112 opportunity to be heard at a hearing conducted in accordance with
113 sections 4-176e to 4-184, inclusive, which order may contain one or
114 more of the following sanctions: (i) Removal of a campaign treasurer,

115 deputy campaign treasurer or solicitor; (ii) prohibition on serving as a
116 campaign treasurer, deputy campaign treasurer or solicitor, for a
117 period not to exceed four years; and (iii) in the case of a party
118 committee or a political committee, suspension of all political
119 activities, including, but not limited to, the receipt of contributions and
120 the making of expenditures, provided the commission may not order
121 such a suspension unless the commission has previously ordered the
122 removal of the campaign treasurer and notifies the officers of the
123 committee that the commission is considering such suspension;

124 (C) To issue an order revoking any person's eligibility to be
125 appointed or serve as an election, primary or referendum official or
126 unofficial checker or in any capacity at the polls on the day of an
127 election, primary or referendum, when the commission finds such
128 person has intentionally violated any provision of the general statutes
129 or regulations relating to the conduct of an election, primary or
130 referendum, after an opportunity to be heard at a hearing conducted in
131 accordance with sections 4-176e to 4-184, inclusive;

132 (D) To issue an order to enforce the provisions of the Help America
133 Vote Act, P.L. 107-252, as amended from time to time, as the
134 commission deems appropriate;

135 (E) To issue an order following the commission's determination of
136 the right of an individual to be or remain an elector when such
137 determination is made (i) pursuant to an appeal taken to the
138 commission from a decision of the registrars of voters or board of
139 admission of electors under section 9-31l, or (ii) following the
140 commission's investigation pursuant to subdivision (1) of this
141 subsection;

142 (4) To issue an order to a candidate committee that receives moneys
143 from the Citizens' Election Fund pursuant to sections 9-700 to 9-716,
144 inclusive, to comply with the provisions of sections 9-700 to 9-716,
145 inclusive, after an opportunity to be heard at a hearing conducted in
146 accordance with the provisions of sections 4-176e to 4-184, inclusive;

147 (5) To inspect or audit at any reasonable time and upon reasonable
148 notice the accounts or records of any campaign treasurer or principal
149 campaign treasurer, as required by chapter 155 and to audit any such
150 election, primary or referendum held within the state; provided, (A) (i)
151 not later than two months preceding the day of an election at which a
152 candidate is seeking election, the commission shall complete any audit
153 it has initiated in the absence of a complaint that involves a committee
154 of the same candidate from a previous election, and (ii) during the
155 two-month period preceding the day of an election at which a
156 candidate is seeking election, the commission shall not initiate an audit
157 in the absence of a complaint that involves a committee of the same
158 candidate from a previous election, and (B) the commission shall not
159 audit any caucus, as defined in subdivision (1) of section 9-372;

160 (6) To attempt to secure voluntary compliance, by informal methods
161 of conference, conciliation and persuasion, with any provision of
162 chapters 149, 151 to 153, inclusive, 155 and 156 or any other provision
163 of the general statutes relating to any such election, primary or
164 referendum;

165 (7) To consult with the Secretary of the State, the Chief State's
166 Attorney or the Attorney General on any matter which the commission
167 deems appropriate;

168 (8) To refer to the Chief State's Attorney evidence bearing upon
169 violation of any provision of chapters 149, 151 to 153, inclusive, 155
170 and 156 or any other provision of the general statutes pertaining to or
171 relating to any such election, primary or referendum;

172 (9) To refer to the Attorney General evidence for injunctive relief
173 and any other ancillary equitable relief in the circumstances of
174 subdivision (8) of this subsection. Nothing in this subdivision shall
175 preclude a person who claims that he is aggrieved by a violation of any
176 provision of chapter 152 or any other provision of the general statutes
177 relating to referenda from pursuing injunctive and any other ancillary
178 equitable relief directly from the Superior Court by the filing of a

179 complaint;

180 (10) To refer to the Attorney General evidence pertaining to any
181 ruling which the commission finds to be in error made by election
182 officials in connection with any election, primary or referendum. Those
183 remedies and procedures available to parties claiming to be aggrieved
184 under the provisions of sections 9-323 of the 2008 supplement to the
185 general statutes, 9-324 of the 2008 supplement to the general statutes,
186 9-328 of the 2008 supplement to the general statutes and 9-329a of the
187 2008 supplement to the general statutes shall apply to any complaint
188 brought by the Attorney General as a result of the provisions of this
189 subdivision;

190 (11) To consult with the United States Department of Justice and the
191 United States Attorney for Connecticut on any investigation pertaining
192 to a violation of this section, section 9-12 of the 2008 supplement to the
193 general statutes, subsection (a) of section 9-17 of the 2008 supplement
194 to the general statutes or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20,
195 9-21, 9-23a, 9-23g of the 2008 supplement to the general statutes, 9-23h,
196 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a, 9-42,
197 9-43, 9-50a, 9-56 or 9-59 of the 2008 supplement to the general statutes
198 and to refer to said department and attorney evidence bearing upon
199 any such violation for prosecution under the provisions of the National
200 Voter Registration Act of 1993, P.L. 103-31, as amended from time to
201 time;

202 (12) To inspect reports filed with the Secretary of the State and with
203 town clerks pursuant to chapter 155 and refer to the Chief State's
204 Attorney evidence bearing upon any violation of law therein if such
205 violation was committed knowingly and wilfully;

206 (13) To intervene in any action brought pursuant to the provisions
207 of sections 9-323 of the 2008 supplement to the general statutes, 9-324
208 of the 2008 supplement to the general statutes, 9-328 of the 2008
209 supplement to the general statutes and 9-329a of the 2008 supplement
210 to the general statutes upon application to the court in which such

211 action is brought when in the opinion of the court it is necessary to
212 preserve evidence of possible criminal violation of the election laws;

213 (14) To adopt and publish regulations pursuant to chapter 54 to
214 carry out the provisions of section 9-7a, this section, chapter 155 and
215 sections 9-700 to 9-716, inclusive; to issue upon request and publish
216 advisory opinions in the Connecticut Law Journal upon the
217 requirements of chapter 155, and to make recommendations to the
218 General Assembly concerning suggested revisions of the election laws;

219 (15) To the extent that the Elections Enforcement Commission is
220 involved in the investigation of alleged or suspected criminal
221 violations of any provision of the general statutes pertaining to or
222 relating to any such election, primary or referendum and is engaged in
223 such investigation for the purpose of presenting evidence to the Chief
224 State's Attorney, the Elections Enforcement Commission shall be
225 deemed a law enforcement agency for purposes of subdivision (3) of
226 subsection (b) of section 1-210 of the 2008 supplement to the general
227 statutes, provided nothing in this section shall be construed to exempt
228 the Elections Enforcement Commission in any other respect from the
229 requirements of the Freedom of Information Act, as defined in section
230 1-200;

231 (16) To enter into such contractual agreements as may be necessary
232 for the discharge of its duties, within the limits of its appropriated
233 funds and in accordance with established procedures;

234 (17) To provide the Secretary of the State with notice and copies of
235 all decisions rendered by the commission in contested cases, advisory
236 opinions and declaratory judgments, at the time such decisions,
237 judgments and opinions are made or issued;

238 (18) To receive and determine complaints filed under the Help
239 America Vote Act, P.L. 107-252, as amended from time to time, by any
240 person who believes there is a violation of any provision of Title III of
241 P.L. 107-252, as amended. Any complaint filed under this subdivision
242 shall be in writing, notarized and signed and sworn by the person

243 filing the complaint. At the request of the complainant, there shall be a
244 hearing on the record, conducted in accordance with sections 4-167e to
245 4-184, inclusive. The commission shall make a final determination with
246 respect to a complaint prior to the expiration of the ninety-day period
247 beginning on the date the complaint is filed, unless the complainant
248 consents to a longer period for making such determination. If the
249 commission fails to meet the applicable deadline under this
250 subdivision with respect to a complaint, the commission shall resolve
251 the complaint within sixty days after the expiration of such ninety-day
252 period under an alternative dispute resolution procedure established
253 by the commission.

254 (b) In the case of a refusal to comply with an order of the
255 commission issued pursuant to subdivision (3) of subsection (a) of this
256 section, the superior court for the judicial district of Hartford, on
257 application of the commission, may issue a further order to comply.
258 Failure to obey such further order may be punished by the court as a
259 contempt thereof."